

PAGE COUNTY BOARD OF SUPERVISORS

RECESSED MEETING-MINUTES

BOARD OF SUPERVISORS MEETING ROOM

OCTOBER 4, 2001

MEMBERS PRESENT: Allen Cabbage Chairman, District 3
Nora Belle Comer Vice Chairman, District 1
Elaine Mayberry Supervisor, District 2
Gerald Cabbage Supervisor, District 4
Robert Good Supervisor , District 5

ALSO PRESENT: C. Dean BeLer County Administrator
Rodger Smith County Attorney
David Rose Davenport & Company
Corbin Stone Robinson Farmer, Cox
Association
Michael Hawes Waste Consultant
James Cornwell Legal Counsel
Bart Begley EWS
Donna Hoke Clerk

CALL TO ORDER:

The Chairman called the recessed meeting from September 25, 2001 to order at 9:30 a.m.

Closed session: 9:32 a.m.

MOTION:

Supervisor Comer moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as

amended, for the purpose or discussing contractual and legal matters relating to Tellurian, Inc. and Battle Creek Landfill and the purpose of the closed meeting is consultation with legal counsel and briefings by staff members and consultants and public discussion would adversely affect the negotiating and litigating posture of Page County.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Nora Belle Comer, Allen Cubbage, and Gerald Cubbage.

NAYS: None

Exit closed session: 4:04 p.m.

MOTION:

Supervisor Good moved the closed meeting be adjourned and The Page County Board of Supervisors reconvene in open session.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Gerald Cubbage, Allen Cubbage, Robert Good, Elaine Mayberry, and Nora Belle Comer.

NAYS: None

Certification of closed session:

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of October 9, 2001".

MOTION:Good **SECOND:** Mayberry

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Nora Belle Comer	X			
Elaine Mayberry	X			

Gerald M. Cabbage	X
Allen J. Cabbage	X
Russell Comer, Jr.	X

Action from closed session: *(attachment #1- Terry Cabbage, resolution)*

MOTION:

Supervisor Mayberry moved to approved the resolution of conveyance of Real Estate Property owned by Terry and Opal Cabbage in the amount of \$12, 500.00.

Supervisor Comer seconded. The motion carried by a vote of 5-0.

AYES: Gerald Cabbage, Elaine Mayberry, Allen Cabbage, Nora Belle Comer, and Robert Good.

NAYS: None

Closed session: 4:08 p.m.

MOTION:

Supervisor Comer moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing contractual and legal matters relating to Tellurian, Inc. and Battle Creek Landfill.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Nora Belle Comer, Robert Good, Allen Cabbage, Gerald Cabbage, and Elaine Mayberry.

NAYS: None

Exit closed session: 4:12

MOTION:

Supervisor Good moved the closed meeting be adjourned and the Page County Board of Supervisor reconvene in open session.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Gerald Cabbage, Allen Cabbage, Robert Good, Nora Belle Comer, and Elaine Mayberry.

NAYS: None

Certification of closed session:

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of October 4, 2001.

MOTION:Good **SECOND:**Comer

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Nora Belle Comer	X			
Elaine Mayberry	X			
Gerald M. Cabbage	X			
Allen J. Cabbage	X			
Russell Comer, Jr.	X			

Action from closed session:

Mr. Cornwell asked that it be noted in the minutes that this meeting held October 4, 2001, was a recessed meeting held September 25, 2001.

Supervisor Comer informed the Board that she had a statement to read, and requested that it become a part of the minutes. (*attachment #2-Supervisor Comer statement.*)

Approval of amended and restated Disposal Facility Agreement: (*attachment #3 Resolution.*)

MOTION:

Supervisor Comer moved to approve the resolution of the amended and restated Disposal Facility Agreement and Settlement Agreement dated October 4, 2001.

Supervisor Mayberry seconded. The motion was carried by a vote of 3-1-1.

Roll call Vote:

Nora Belle Comer-Aye

Elaine Mayberry -Aye

Robert Good -Aye

Gerald Cubbage –Nay

Allen Cubbage -Abstain

Supervisor Good stated that he had come onboard the same year as Supervisor Comer and agreed full heartedly with everything mentioned in her pervious statement. Supervisor Good concluded in saying that the current landfill contract was in great need of revisions, and the team had given good sound advice.

Chairman Allen Cubbage noted that he had abstained due to the fact that he was opposed to the 1500 tons per day acceptance.

Supervisor Gerald Cubbage noted that the public had been promised a public presentation, and the Board was going back on their promise.

Supervisor Mayberry announced that she had no comments.

Purchase of Copier:

MOTION:

Supervisor Good moved to transfer \$1,000 from Building and Grounds to the Electoral Board/Registrar budget for the purchase of a copier.

Supervisor Mayberry seconded. The motion was carried by a vote of 4-1.

AYES: Elaine Mayberry, Nora Belle Comer, Robert Good, and Allen Cubbage.

NAYS: Gerald Cubbage.

Old Courthouse Building repair:

A brief discussion took place in regards to the repairs needed in the old courthouse building. It was the consensus of the Board that action needed to be taken as soon as possible to start a plan of action as to what will be done to the building.

Removal of Supervisor Gerald Cubbage from Planning Commission:

Supervisor Mayberry informed that Board that she would suggest the removal of Supervisor Gerald Cubbage from the Planning Commission. This was due to a few complaints that she had received from fellow Commissioners on the Planning Commission and she felt Supervisor Cubbage was not bringing important information back to the Board.

MOTION:

Supervisor Mayberry moved to remove Supervisor Gerald Cubbage from his appointment on the Page County Planning Commission, with the effective date being November.

The motion did not receive a second.

AYES: Elaine Mayberry, Robert Good, Nora Belle Comer, and Allen Cubbage.

NAYS: Gerald Cubbage.

Adjourn: 4:35 p.m.